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January 8, 2014

Karl Brooks
Environmental Protection Agency
Regional Administrator, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Dear Regional Administrator Brooks,

For more than nine months now, our office has worked with the Missouri Department of Natural Resources (DNR) and EPA in addressing a matter of great public concern—the underground fire at the Bridgeton landfill and its proximity to the radioactive material at the adjacent West Lake site. While the landfill is supervised by the State and West Lake is within federal jurisdiction, it is important that regulators at all levels continue to communicate openly and effectively with each other and with the public. We have demanded that Republic Services take substantial steps toward mitigating the landfill fire, and significant work has already been done. I write today to encourage a similarly aggressive approach to the West Lake side of the problem and to better understand EPA's timetable and its contingency plan should the situation worsen.

Since our office became involved in this matter last spring, we have moved rapidly to compel Republic Services to get control over the fire in the Bridgeton landfill. We filed suit against Republic less than a week after receiving a referral on this matter from DNR, seeking injunctive relief and monetary penalties. By Memorial Day, we had negotiated a preliminary injunctive agreement that required the company to install protective measures, including an ethylene vinyl alcohol (EVOH) cap and gas interceptor wells, in an effort to slow the spread of the fire. Before the summer ended, the wells were in place and the southern portion of the landfill had been covered. Republic subsequently agreed to cap the remainder of the landfill (the north quarry), and work on that project is expected to be completed by May 30, 2014.

While much has been accomplished to better manage the fire at the Bridgeton landfill, progress toward securing the radioactive material at the federally supervised West Lake site has, to this point, been less visible. Republic



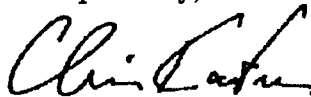
Karl Brooks
January 8, 2014
Page 2

agreed in September to construct an isolation barrier between the West Lake and Bridgeton landfill sites, yet it appears that the company is still conducting a survey of the area in advance of any construction. We appreciate that EPA has urged Republic to expedite this process, but the seriousness of the West Lake issue requires that regulators set an aggressive timetable for Republic to complete the barrier installation and demand that its deadlines be met. With that in mind, we ask that EPA identify when it expects the comprehensive radiological survey will be completed and, further, when it expects Republic to complete the construction of the isolation barrier.

No matter how ambitious the construction schedule is, of course, we must recognize that circumstances may change. We cannot be certain that the spread of the fire in the Bridgeton landfill will not accelerate or that a new fire will not spontaneously develop in the north quarry near the West Lake boundary line. As the regulatory agency with supervisory authority over the West Lake site, EPA must be prepared to react quickly should it become apparent that the isolation barrier cannot be constructed in time to prevent the fire from reaching the radioactive waste. We ask that the EPA make public its contingency plan in the event that the construction of the isolation barrier becomes infeasible.

The people who live, work, and travel in the Bridgeton area deserve swift action from the State and from EPA as we address the complex challenges posed by the landfill and West Lake site. We are grateful for your team's efforts thus far, and we look forward to further cooperation between our respective agencies as our work continues.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Koster", written in a cursive style.

CHRIS KOSTER
Attorney General